

REMARKS

Claims 2-7, 9-31, 33-35 and 37-43 are pending. Claims 9-21 are withdrawn from consideration. No new matter has been added by way of the above amendments. For example, Applicants have amended the independent claims to include the language "a coated substrate obtained by coating an uncoated substrate with a single layer" Accordingly, no new matter has been added.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Issues Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 2-7, 22-31, 33-35 and 37-43 under 35 U.S.C. § 103(a) as being obvious over Miller et al., USP 3,860,557 (hereinafter referred to as Miller '557). Applicants respectfully traverse this rejection.

The Present Invention and Its Advantages

The present invention relates to an article comprising a coated substrate obtained by coating an uncoated substrate with a single layer of a powder coating composition. This powder coating composition has very specific properties which allow it to be coated as a single layer having a visually homogeneous hue. In contrast, the prior art neither suggests nor discloses such a

single layer having a visually homogeneous hue being coated on an uncoated substrate.

Distinctions Between the Present Invention and Miller '557

Miller '557 relates to an electrostatic method of applying a multi-layered coating and products produced thereby. The multi-layered coating of Millar '557 is formed by applying to a substrate a composition containing two or more powders, provided that the powders of non-conductive materials have dielectric constants that differ from each other by a factor of at least 0.1. After the composition of Millar '557 is applied to the substrate, stratified layers of different powders form due to the different dielectric constants (Millar '557 at column 3, lines 1-11 and 42-45).

In contrast, the presently claimed article comprises a coated substrate obtained by coating an uncoated substrate with a single layer of a powder coating composition. Therefore, the present claims do not encompass a multi-layered product such as that described by Millar '557. At no point in the disclosure of Millar '557 is a "coated substrate obtained by coating an uncoated substrate with a single layer" of a powder coating composition suggested or disclosed. The entire disclosure of Miller '557 is directed to the formation of stratified layers. Thus, Miller '557 relates to a multi-layered coating comprising

stratified layers of different powders which are formed due to different dielectric constants (see Miller '557 at column 3, lines 1-11 and 42-45). This is not the subject matter that Applicants are presently claiming.

In the outstanding office action the Examiner cites to col. 4, lines 11-15 of Millar '557, which discloses "one final layer in the coating may itself be a mixture of two or more specific material." The Examiner rationalizes that such a "final" coating would read upon the present claims. The Examiner therefore concludes that the present claims may encompass a multi-layered substrate. For instance, the Examiner argues that the present claims encompass a substrate which is already coated prior to a "final" coating.

Applicants submit that the Examiner's argument and conclusion are contrary to the language in the present claims. The present claims require that the coated substrate is obtained by coating an "uncoated substrate" with a single layer of the powder coating composition of the present invention. Therefore, the present claims do not encompass a substrate which is already coated prior to application of a "final" coating, as asserted by the Examiner.

In summary, Miller '557 completely fails to suggest or disclose an article comprising a uncoated substrate which is obtained by coating an uncoated substrate with a single layer of

a powder coating composition having a homogeneous hue, such as presently claimed. Accordingly, the Examiner has failed to present a *prima facie* case of obviousness. Thus, this rejection is improper. Reconsideration and withdrawal thereof are respectfully requested.

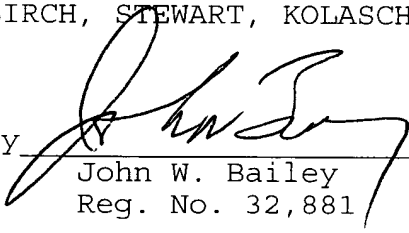
If the Examiner has any questions or comments, please contact Craig M. McRobbie, Reg. No. 42,874 at the offices of Birch, Stewart, Kolasch & Birch, LLP at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

  
John W. Bailey  
Reg. No. 32,881

Post Office Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

  
JWB/CAM/mmi

Attachment: Version with Markings to Show Changes Made

VERSION WITH MARKING TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims were amended as follows:

22. (Four Times Amended) An article, comprising:

a coated substrate [coated] obtained by coating an uncoated substrate with a single layer of a combination of two or more powder coatings, comprising two or more color powder coatings wherein the color of each powder coating is different, wherein a difference in triboelectric charge of said two or more powder coatings is 5.0  $\mu\text{C/g}$  or less; wherein particles of each powder coating are not agglomerated; and wherein said two or more powder coatings form a single layered coating film having a homogeneous hue.

26. (Twice Amended) An article, comprising

a coated substrate [coated] obtained by coating an uncoated substrate with a single layer of a powder coating composition which comprises two or more color powder coatings wherein the color of each powder coating is different, a difference in triboelectric charge of said two or more powder coatings is 5.0  $\mu\text{C/g}$  or less; wherein particles of each powder coating are not agglomerated, and wherein said two or more powder coatings form a single layered coating film having a homogeneous hue.

37. (Three Times Amended) An article, comprising  
a coated substrate [coated] obtained by coating an uncoated substrate with a single layer of a powder coating composition which comprises two or more color powder coatings, each of said two or more powder coatings comprising:

a resin; and

at least one colorant, wherein

(1) each of said two or more color powder coatings has a different color,

(2) a difference in triboelectric charge of said two or more color powder coatings is 5.0  $\mu\text{C/g}$  or less,

(3) the particles of each color powder coating are not agglomerated, and

(4) said powder coating composition forms a single layered coating film having a visually homogeneous hue.

38. (Amended) The article according to claim 22, wherein said article consists essentially of:

a coated substrate [coated] obtained by coating an uncoated substrate with a single layer of a combination of two or more powder coatings, comprising two or more color powder coatings wherein the color of each powder coating is different, wherein a difference in triboelectric charge of said two or more powder

coatings is 5.0  $\mu\text{C/g}$  or less; wherein particles of each powder coating are not agglomerated; and wherein said two or more powder coatings form a single layered coating film having a homogeneous hue.

39. (Amended) The article according to claim 22, wherein said article consists of:

a coated substrate [coated] obtained by coating an uncoated substrate with a single layer of a combination of two or more powder coatings, comprising two or more color powder coatings wherein the color of each powder coating is different, wherein a difference in triboelectric charge of said two or more powder coatings is 5.0  $\mu\text{C/g}$  or less; wherein particles of each powder coating are not agglomerated; and wherein said two or more powder coatings form a single layered coating film having a homogeneous hue.

40. (Amended) The article according to claim 26, wherein said article consists essentially of:

a coated substrate [coated] obtained by coating an uncoated substrate with a single layer of a powder coating composition which comprises two or more color powder coatings wherein the color of each powder coating is different, a difference in triboelectric charge of said two or more powder coatings is 5.0

$\mu\text{C/g}$  or less; wherein particles of each powder coating are not agglomerated, and wherein said two or more powder coatings form a single layered coating film having a homogeneous hue.

41. (Amended) The article according to claim 26, wherein said article consists of:

a coated substrate [coated] obtained by coating an uncoated substrate with a single layer of a powder coating composition which comprises two or more color powder coatings wherein the color of each powder coating is different, a difference in triboelectric charge of said two or more powder coatings is  $5.0 \mu\text{C/g}$  or less; wherein particles of each powder coating are not agglomerated, and wherein said two or more powder coatings form a single layered coating film having a homogeneous hue.

42. (Amended) The article according to claim 37, wherein said article consists essentially of:

a coated substrate [coated] obtained by coating an uncoated substrate with a single layer of a powder coating composition which comprises two or more color powder coatings, each of said two or more powder coatings comprising:

a resin; and

at least one colorant, wherein

(1) each of said two or more color powder coatings has a



different color,

(2) a difference in triboelectric charge of said two or more color powder coatings is 5.0  $\mu\text{C/g}$  or less,

(3) the particles of each color powder coating are not agglomerated, and

(4) said powder coating composition forms a single layered coating film having a visually homogeneous hue.

43. (Amended) The article according to claim 37, wherein said article consists of:

a coated substrate [coated] obtained by coating an uncoated substrate with a single layer of a powder coating composition which comprises two or more color powder coatings, each of said two or more powder coatings comprising:

a resin; and

at least one colorant, wherein

(1) each of said two or more color powder coatings has a different color,

(2) a difference in triboelectric charge of said two or more color powder coatings is 5.0  $\mu\text{C/g}$  or less,

(3) the particles of each color powder coating are not agglomerated, and

(4) said powder coating composition forms a single layered coating film having a visually homogeneous hue.